

20. JUL. 2005 12:25

+49 711 7800996 KSMPATENT

NR. 526 S. 6/14

4

**IN THE FIGURES:**

**Kindly enter new figures 17 and 18 enclosed herewith.**

## 8

## Remarks

The Examiner has objected to the drawings under 37 CFR 1.83(a) as not showing every feature of the invention specified in the claims, referring specifically to the continuously changing thickness of successive layers along the x direction as claimed in claims 6 to 10. In response thereto, the Applicant has entered new Figures 17 and 18 showing the continuous change in the layer thickness sum in both the x as well as the y directions. Review and acceptance is requested.

The Examiner has objected to the disclosure on page 19 due to a typographical layer and suggested a correction which has been incorporated in the instant amendment.

Claims 1 through 5, 11, 12 and 15 through 21 stand rejected under 35 USC 102(b) as being anticipated by Gutman et. al. US '423. Claims 1 through 3, 5 through 11 and 15 through 19 stand rejected under 35 USC 102(b) as being anticipated by Hayashi et. al. US '566. Claims 13 and 14 stand rejected under 35 USC 103(a) as being unpatentable over Gutman et. al. '423 or Hayashi '566 as previously applied to claim 1.

In responding to these rejections, the Applicant has amended claim 1 to incorporate the limitations of former claim 4 and with an additional recitation that focusing in two dimensions is effected through one single reflection of the X-ray radiation. A typographical error has been corrected in claim 7. The Gutman '423 and Hayashi '566 patents utilize a double reflection effected by a Kirkpatrick-Baez configuration ("Montel mirror"). This configuration has the disadvantages discussed in the introductory portion of the specification which are avoided by the instant invention by

effecting a two dimensional focusing collimation using one reflection only. Some of the prior art of record (see for example Antonell, US '371) suggest two dimensional focusing using a single reflection. However, this is done in a rotationally symmetric configuration in which the focusing in one direction is effected by a rotationally symmetric, circular arc shaped (see the barrel type mirror configuration of the Antonell reference '371, for example, Figure 2). Since the invention as claimed specifies that focusing in both the x and y directions are effected by mirrors having a non-circular shape, this limitation is not met by any of the prior art of record.

The invention as now claimed recites limitations not present in the prior art effecting a two dimensional focusing or collimation having good resolution properties with minimized intensity loss. The invention therefore recites elements having advantages not suggested by the disclosures of prior art and is therefore sufficiently distinguished from that prior art to satisfy the requirements of 35 USC 102 as well as 103. The remaining dependent claims of record inherit the limitations of the base claim and are therefore similarly distinguished from the prior art of record for the reasons given. Passage to issuance is therefore requested.

No new matter has been added in this amendment.

10

Respectfully submitted,

Paul Vincent  
Dr. Paul Vincent

Registration number 37,461

July 19, 2005  
Date

Enclosures

New Figures 17 and 18

Kohler Schmid Moebus

Patentanwälte

Ruppmannstrasse 27

D-70565 Stuttgart

Germany

Telephone: 49-711-78 47 30

Fax : 49-711-78 00 996